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TAGS: SHUM, CG

SUBJECT: ZAIRE HUMAN RIGHTS PAPER

REF: KINSHASA O791

FOLLOWING IS TEXT OF FINAL DRAFT OF ZAIRE HUMAN RIGHTS
PAPER. CHANGE RECOMMENDED REFTEL HAS BEEN INCORPORATED.

QUOTE: SINCE INDEPENDENCE IN 1960, ZAIRE HAS EXPERIENCED
ALMOST SEVEN YEARS OF CIVIL WAR OR SEMI-ANARCHY.
PRESIDENT MOBUTU'S MAIN TASK HAS BEEN TO ESTABLISH GOVERN-
MENT AUTHORITY OVER A VAST COUNTRY WITH MORE THAN 200
SEPARATE ETHNIC GROUPS. AS IN MOST LDCS, INDIVIDUAL
POLITICAL RIGHTS HAVE A SUBSTANTIALLY LOWER PRIORITY THAN
COLLECTIVE ECONOMIC, SOCIAL AND POLITICAL DEVELOPMENT.
THE MARCH 1977 SHABA INVASION HEIGHTENED THE GOVERNMENT'S
SENSE OF INSECURITY. IMPROVEMENT OF SECURITY AND ECONOMIC
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CONDITIONS SHOULD TEND TO CREATE A MORE RELAXED RELATION-
SHIP BETWEEN THE GOVERNMENT AND THE POPULATION.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING
FREEDOM FROM:

A. TORTURE

THERE IS NO EVIDENCE OF TORTURE OF PRISONERS.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

ISOLATED INCIDENTS OF CRUEL, INHUMAN OR DEGRADING PUNISHMENT OCCUR; THEY APPEAR CAUSED BY POLICE WHO ARE BADLY PAID AND TRAINED, AND POORLY DISCIPLINED, RATHER THAN FROM ANY CONCERTED GOVERNMENT EFFORT. PRISONS ARE, IN GENERAL, CROWDED AND DIRTY.

C. ARBITRARY ARREST OR IMPRISONMENT

ARBITRARY ARREST AND IMPRISONMENT DO OCCUR IN ZAIRE. THERE WERE SOME ARBITRARY ARRESTS DURING THE RECENT INVASION OF SHABA PROVINCE. MOST DETAINEES WERE RELEASED RELATIVELY QUICKLY WHILE OTHERS HAVE BEEN DETAINED FOR LONGER PERIODS. IN MORE NORMAL TIMES THE NUMBER OF ARBITRARILY ARRESTED INDIVIDUALS IS RELATIVELY SMALL AND THEY ARE USUALLY RELEASED IN A FEW DAYS. THESE LATTER DETENTIONS APPEAR TO BE UNCOORDINATED ACTIONS BY OVERZEALOUS LOCAL OFFICIALS.

D. DENIAL OF FAIR PUBLIC TRIAL

PERSONS CHARGED WITH NON-POLITICAL CRIMES ARE ENTITLED TO LIMITED OFFICIAL USE

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A FAIR AND PUBLIC HEARING BY AN INDEPENDENT OR IMPARTIAL TRIBUNAL. THOSE ACCUSED OF POLITICAL CRIMES OR TRAFFICKING IN PRECIOUS MINERALS AND METALS ARE TRIED IN THE STATE SECURITY COURT. FORMER FOREIGN MINISTER NGUZA, WHO WAS ARRESTED AND CHARGED WITH TREASON IN CONNECTION WITH SHABA, WAS GIVEN A PROMPT PUBLIC TRIAL AND HIS DEATH SENTENCE WAS SUBSEQUENTLY COMMUTED TO LIFE IMPRISONMENT.

AMNESTY INTERNATIONAL'S 1977 ANNUAL REPORT NOTED THE IN CAMERA MILITARY TRIAL AND SENTENCING OF ABOUT 40 PERSONS IN AN ABORTIVE JUNE 1975 COUP PLOT. DEATH SENTENCES, WHICH WERE NOT CARRIED OUT, WERE GIVEN TO SEVEN PERSONS, SEVEN OTHERS WERE ACQUITTED AND 26 WERE GIVEN TERMS OF SIX MONTHS TO 20 YEARS.

E. INVASION OF THE HOME

INVASION OF THE HOME IS RARE.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND

EDUCATION

IN 1972-1973 ZAIRE BEGAN AN AMBITIOUS DEVELOPMENT PROGRAM CONCENTRATED ON LARGE CAPITAL-INTENSIVE PROJECTS. THE PROGRAM ASSUMED A CONTINUING HIGH LEVEL OF COPPER EXPORT RECEIPTS. IN ADDITION THE GOVERNMENT LAUNCHED A PROGRAM OF RADICAL ECONOMIC REFORM INTENDED TO INCREASE NATIONAL CONTROL OVER THE ECONOMY. NEITHER PROGRAM ACHIEVED ITS OBJECTIVE. THIS, COMBINED WITH THE FALL OF COPPER PRICES AND THE CLOSURE OF THE 3ENGUELA RAILROAD IN ANGOLA, HAD A SERIOUS NEGATIVE IMPACT ON THE ECONOMY AND THE WELLBEING OF LARGE SEGMENTS OF THE POPULATION.

AT THE SAME TIME, THE GOVERNMENT TOOK OVER ALL EDUCATIONAL LIMITED OFFICIAL USE

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INSTITUTIONS (HITHERTO LARGELY CHURCH AND MISSIONARY RUN). THIS RESULTED IN SIGNIFICANTLY FEWER EDUCATIONAL OPPORTUNITIES.

IN 1976 PRESIDENT MOBUTU BEGAN RETURNING PROPERTIES AS AN INDUCEMENT TO EXPATRIATES TO RETURN TO ZAIRE, MAKING PEACE WITH THE CHURCH, RETURNING CONTROL OF BASIC EDUCATION TO THE MISSIONARIES, AND IMPLEMENTING A PROGRAM OF ECONOMIC REFORM. THE GOVERNMENT ACCEPTED AN INTERNATIONAL MONETARY FUND STABILIZATION PROGRAM IN 1976. THIS WAS ONLY PARTIALLY SUCCESSFUL. IN 1977 THE GOZ COMMITTED ITSELF TO A MORE SEVERE IMF STABILIZATION PROGRAM TO IMPROVE CONTROL OVER EXPENDITURES THROUGH BETTER MANAGEMENT OF NATIONAL RESOURCES.

CORRUPTION HAS REPORTEDLY INCREASED OVER THE PAST FOUR OR FIVE YEARS. PRESIDENT MOBUTU'S PROGRAM OF ECONOMIC REFORM AND HIS SPEECH OF NOVEMBER 25 ADDRESS THIS PROBLEM.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

THERE IS A GOVERNMENT EFFORT TO INCULCATE A NATIONAL PHILOSOPHY OF "AUTHENTICITY" WHICH DOES NOT ENCOURAGE THE EXPRESSION OF ALTERNATIVE INTELLECTUAL OUTLOOKS. GOVERNMENT RESTRICTIONS ON THE INDEPENDENCE OF RELIGIOUS

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RIGHT OF ASSEMBLY FOR POLITICAL PURPOSES IS PROHIBITED
UNLESS UNDER THE AEGIS OF THE SINGLE POLITICAL PARTY.

ALTHOUGH ZAIRE'S SOLE LEGAL LABOR MOVEMENT, NATIONAL UNION
OF ZAIRIAN WORKERS (UNTZA), IS UNDER THE DOMINATION OF
THE RULING PARTY, IT STILL POSSESSES A DEGREE OF INDE-
PENDENCE. IN AUGUST 1977 THE UNION HELD ITS FIRST
ELECTION SINCE ITS FORMATION IN 1967.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL
AND EMIGRATION

FREEDOM OF TRAVEL WITHIN THE COUNTRY IS GENERALLY UN-
RESTRICTED. TEMPORARY LIMITATIONS FOR REASONS OF
SECURITY MAY BE IMPOSED ON TRAVEL TO SPECIFIC AREAS SUCH
AS SHABA. EXCESSIVE MIGRATION TO THE CAPITAL IS
ACTIVELY DISCOURAGED. FOREIGN TRAVEL AND EMIGRATION ARE
GENERALLY UNRESTRICTED, ALTHOUGH CONCERN EXISTS WHERE
INDIVIDUALS ARE PROHIBITED FROM LEAVING THE COUNTRY.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

ZAIRE IS A ONE-PARTY STATE. ACCORDING TO THE NEW
ELECTORAL LAW OF JUNE 1977, ZAIRIANS 18 YEARS OF AGE
AND OLDER MAY VOTE WITH THE EXCEPTION OF THOSE MENTALLY
ILL, SUBJECTED TO MILITARY DISCIPLINE WITHIN THE LAST
TEN YEARS, GUILTY OF SERIOUS VIOLATIONS OF PARTY
DISCIPLINE, OR RESIDING ABROAD. LOCAL, REGIONAL AND
PARTY ELECTIONS WERE HELD IN OCTOBER WITH WIDE VOTER
PARTICIPATION. TO ASPIRE TO POLITICAL OFFICE, A
ZAIRIAN CITIZEN MUST BE AN ACTIVE PARTY MEMBER.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL
AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS
OF HUMAN RIGHTS

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THE GOVERNMENT OF ZAIRE IS SENSITIVE TO CRITICISM THAT
IT RESTRICTS OUTSIDE ACCESS AND PERMITS MISSIONARIES
AND INTERNATIONAL ORGANIZATIONS SUCH AS THE INTERNATIONAL
RED CROSS, THE UNHCR, AND THE INTERNATIONAL RESCUE
COMMITTEE TO OPERATE RELATIVELY FREELY. ON THE OTHER
HAND, FOREIGN JOURNALISTS ARE SOMETIMES LIMITED IN
THEIR ACCESS OR ON OCCASION EXPELLED FOR REPORTING

JUDGED TO BE INACCURATE OR OTHERWISE CONTRARY TO THE
NATION'S BEST INTERESTS. UNQUOTE

WE WILL NOTIFY YOU BY SEPTTEL WHEN ALL THE NECESSARY
CLEARANCES HAVE BEEN OBTAINED AND THE PAPER IS READY FOR
PRESENTATION TO THE CONGRESS. AT THAT TIME YOU WILL BE
REQUESTED TO APPROACH THE GOZ AT AN APPROPRIATE LEVEL
SIMULTANEOUSLY WITH OUR APPROACH TO THE ZAIRIAN AMBASSADOR
HERE. VANCE

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